

Remarks

Claims 1-15 and 23-26 were pending.

Claims 1, and 8, 9, 14 and 25 are amended.

Claims 4, 5 and 7 are original.

Claims 2, 3, 6, 10-13, 15, 23, 24 and 26 are as previously presented.

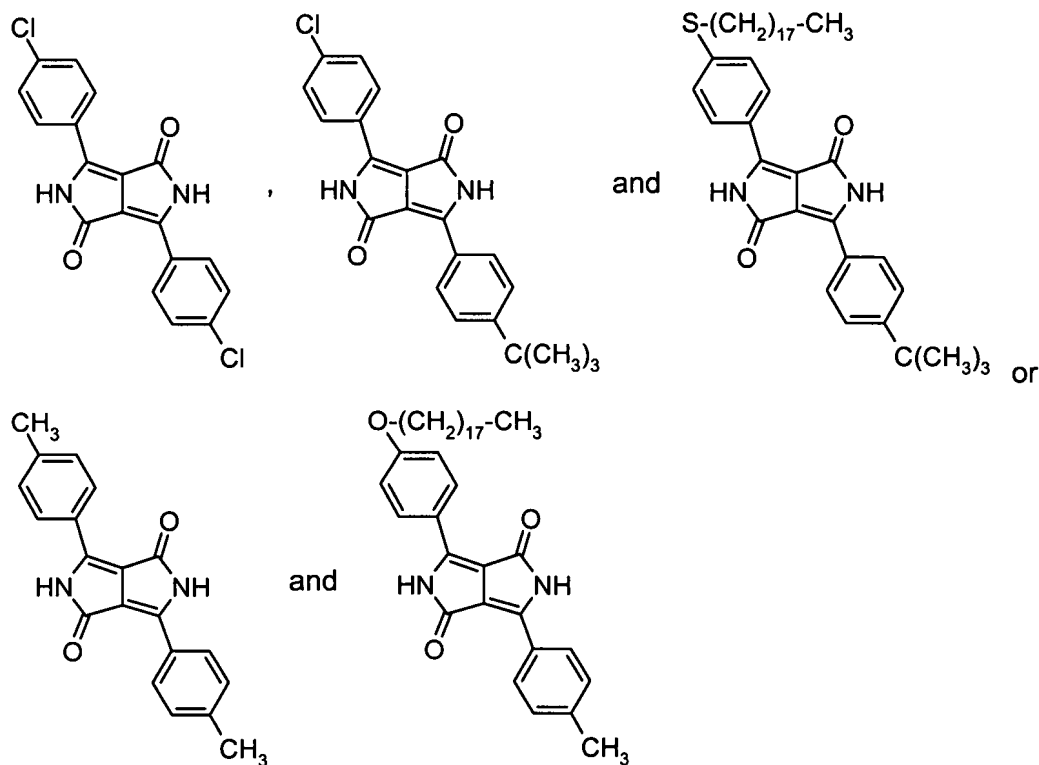
Claim 27 is new.

The application now contains claims 1-15 and 23-27.

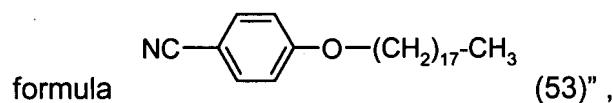
Claim 1 is amended for clarity by labeling the second structure appearing in the claim as formula (2) as it appeared in the original claim. Claim 1 is further amended by adding to the end of claim the limitation "wherein the amount of compound 2 is from 1 to 10 mole % based on the total amount of nitrile in the reaction mixture". Support is found in the Specification on page 2 lines 10-11.

Claim 8 is amended to insert "-O-" as a value for X. Support is found in the Specification on page 3 line 7.

Claims 9 and 25 are amended to add the following compounds mixtures, support is found on page 8 of the Specification.



Claim 14 is amended to insert immediately following the formula (52) "or a compound of



and to insert into the final line the phrase "or a compound of formula (53)". Support is found in the Specification on page 9 lines 16-19.

Support for new claim 27 is found on page 8.

No new matter is added.

Claim Rejections and objections

Claims 1-7, 15 and 23 are rejected under 35 USC 102(e) over WO 2004/076457 which discloses a process for making DPPs by reacting a succinate with an aromatic or heteroaromatic nitrile. Mixtures of DPPs are prepared in Examples 16-20.

Applicants respectfully traverse the rejections.

WO 2004/076457 discloses a process for making DPPs and mixtures of DPPs by reacting a succinate with an aromatic or heteroaromatic nitrile or nitriles. The specification of WO 2004/076457 also discloses when using two nitriles, a mixture of 0.1 to 1.9 moles of one nitrile and 1.9 to 0.1 moles of the other nitrile can be used, i.e, the minor component of the nitrile mixture is present in 5 mole % to 50 mole % of the nitrile mixture. Five mixtures of DPP compounds are exemplified in WO 2004/076457, each is prepared from a 1:1 mixture of nitriles. No guidance is given as to the value of specific nitrile ratios.

The instant invention provides mixtures of DPP pigments which are "heat-fast and tinctorially strong transparent pigments... distinguished by very good dispersibility and good warping behaviour", Specification, page 1 lines 10-13. In the instant invention, a nitrile mixture is used in the preparation of the DPP mixture wherein the nitrile of formula 2 is present only in a small amount, 1 mole % to 10 mole % of total nitrile. Using this particular concentration range of nitriles provides these desired properties.

There is no teaching in the cited art that using only a small amount of one nitrile component in a nitrile mixture provides any particular benefits let alone those sought in the instant invention. Applicants therefore respectfully note that while there is minor overlap with the mole ratios found in the instant invention and those found in the generic disclosure of WO 2004/076457, there are no examples in the cited art of DPP mixtures approaching the instantly claimed 1-10 mole % of the minor nitrile component, and no suggestion that such a low percentage of one component would provide the improvements referred to above.

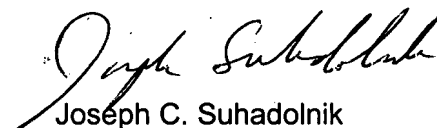
In light of the above discussion, Applicants respectfully submit that the rejections under 35 USC 102(e) of claims 1-7, 15 and 23 are addressed and overcome and kindly ask that the rejections be withdrawn and the claims be found allowable. Claims 8, 14, 15, 25 and 26 are objected to for being dependent on a rejected base claim. Applicants therefore kindly ask that upon finding claims 1-7, 15 and 23 allowable that the Examiner also find claims 8, 14, 15, 25 and 26 allowable.

In the present Action, the Examiner found claims 9-13 and 24 in their previous form allowable. Applicants have amended claim 9 to include additional compound mixtures. Applicants believe that the newly included compound mixtures are also allowable and kindly ask that the Examiner find the instantly amended claim, as well as new claim 27, allowable.

In light of the above amendments and discussion, Applicants kindly ask that all rejections and objections be withdrawn and that claims 1-15 and 23-27 be found allowable.

In the event that minor amendments will further prosecution, Applicants request that the examiner contact the undersigned representative.

Respectfully submitted,


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